

Rec'd PCT/PTO 28 FEB 2005

PATENT

#5

IN THE UNITED STATES PATENT AND TRADEMARK  
OFFICE PATENT OPERATIONS

Art Unit:

Examiner:

Applicants: Bernd HABER *et al.*

Application No. 10/521,503

Filed: January 11, 2005

Title: ***Cholesterol-reducing agent made of dietary fibre and cholesterol-reducing substnaces***

Commissioner for Patents  
Alexandria, VA 22313-1450  
Dear Sir:

Charlotte, NC 28211  
February 22, 2005

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to Rule 56 and Rule 97 *et seq.*, Applicant hereby submits the attached Forms PTO/SB/08A and PTO/SB/08B and the references listed thereon. Applicant respectfully requests that each reference be reviewed and made of record in Application No. 10/521,503 filed January 11, 2005.

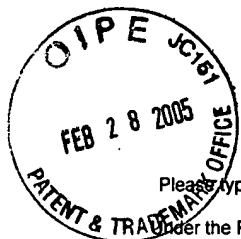
This submission does not represent an admission that each or all of the listed documents are material or constitute "prior art." Applicant respectfully requests that each reference be reviewed and made of record in the instant application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-2193.

Respectfully submitted,

*Cathy Moore*

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after filing)

Application Number	10/521,503
Filing Date	January 11, 2005
First Named Inventor	Bernd HABER
Group Art Unit	
Examiner Name	

Total Number of Pages in This Submission

Attorney Docket Number 02/043K NUT

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) Extension of Time Request 2 month Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communications to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Postcard Receipt 21 references
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm Or Individual Name	ProPat, L.L.C. 425-C South Sharon Amity Road Charlotte, NC 28211-2841
Signature	Cathy Moor
Date	February 22, 2005

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Claire Wygand		
Signature	Claire Wygand	Date	Feb. 22, 2005

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

PTO/SB/08A				Complete if known	
<b>Substitute for Form 1449A/PTO</b> <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b>				Application No.	10/521,503
				Filing Date	January 11, 2005
				First Named Inventor	Bernd HABER
				Group Art Unit	
				Examiner Name	
Sheet	1	Of	1	Attorney Docket Number	02/043K NUT

U.S. PATENT DOCUMENTS							
Examiner Initials	Cite No.	U. S. Patent Number	Kind Code	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Sub class

FOREIGN PATENT DOCUMENTS									
Examiner Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	T6
		Office Number	Kind Code						
		WO	95/35277	A1	Schering Corp.	12/28/1995	C07D	205/08	X
		WO	96/38047	A1	Unilever N.V. and Unilever PLC	12/05/1996	A23D	9/00	X
		WO	97/33882	A1	G.D. Searle and Co.	09/18/1997	C07D	337/08	X
		WO	99/40217	A1	NEOSE Technologies	08/12/1999	C12P	19/02	X
		WO	99/56558	A1	Raisio Benecol OY	11/11/1999	A23D	7/00	X
		WO	00/31287	A1	NEOSE Technologies	06/02/2000	C12P	19/02	X
		WO	02/058733	A2	Schering Corp.	08/01/2002	A61K	45/06	X
		WO	02/50060 = US 6,703,386	A1	Aventis Pharma Deutschland gmbH	06/27/2002	C07D	401/14	X
		WO	03/018024 =US 2003158119	A1	Aventis Pharma Deutschland gmbH	03/06/2003	A61K	31/55	X
		WO	03/018059 =US 003158094	A2	Aventis Pharma Deutschland gmbH	03/06/2003	A61K	45/06	X
		EP	0 616 780	A2	Compania General DEL Algarrobo De Espana, SA	09/28/1994	A23L	1/308	X
		EP	1 238 590	A1	Unilever N.V.	09/11/2002	A23D	7/00	X
		IN	166998		CIPLA LTD	08/18/1990	A61K31	705	
Examiner Signature				Date Considered					

PTO/SB/08A				Complete if Known				
Substitute for Form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				App. No.	10/521,503			
				Filing Date	January 11, 2005			
				First Named Inventor	Bernd HABER			
				Group Art Unit				
				Examiner Name				
Sheet	1	Of	1	Attorney Docket Number	02/043K NUT			
<b>U.S. PATENT DOCUMENTS</b>								
Examiner Initials	Cite No.	U. S. Patent Number	Kind Code	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Sub class	
		4,027,009		Grier <i>et al.</i>	05/31/1977	424	78	
		4,231,938		Monaghan <i>et al.</i>	11/04/1980	260	343.5	
		4,346,227		Terahara <i>et al.</i>	08/24/1982	560	119	
		4,444,784		Hoffman <i>et al.</i>	04/24/1984	424	279	
		5,177,080		Angerbauer <i>et al.</i>	01/05/1993	514	277	
		5,273,995		Roth	12/28/1993	514	422	
		5,354,772		Kathawala	10/11/1994	514	414	
		5,998,400		Brieaddy <i>et al.</i>	12/07/1999	514	211	
		6,087,353		Stewart <i>et al.</i>	07/11/2000	514	182	
		6,180,660		Whitney <i>et al.</i>	01/30/2001	514	451	
		6,221,897		Frick <i>et al.</i>	04/24/2001	514	431	
		6,277,831		Frick <i>et al.</i>	08/21/2001	514	43	
<b>FOREIGN PATENT DOCUMENTS</b>								
Examiner Initials	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	T6
		Office Number	Kind Code					
Examiner Signature				Date Considered				

PTO/SB/08B				Complete if Known	
<b>Substitute for Form 1449A/PTO</b> <b>INFORMATION</b> <b>DISCLOSURE STATEMENT</b> <b>BY APPLICANT</b>				Application Number	10/521,503
				Filing Date	Jan. 11, 2001
				First Named Inventor	Bernd HABER
				Group Art Unit	
				Examiner Name	
Sheet	1	Of	1	Attorney Docket Number	02/043K NUT
<b>OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS</b>					
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), Title of the Article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published	T2		
		J. W. Anderson et al., "Meta-analysis of The Effects of Soy Protein Intake on Serum Lipids", New England Journal of Medicine, Vol. 333 No. 5, pp. 276-282, August 3, 1995	X		
		Jacobs et al., "Whole-Grain Intake May Reduce the Risk of Ischemic Heart Disease Death in Postmenopausal Women: The Iowa Women's Health Study", American Journal of Clinical Nutrition, Vol. 68, pp. 248-257, 1998	X		
		Wolk et al., "Long-term Intake of Dietary Fiber and Decreased Risk of Coronary Heart Disease Among Women", JAMA, Vol. 281, No. 21. pp. 1998-2004, June 2, 1999	X		
		Brown et al., "Cholesterol-lowering Effects of Dietary Fiber: A Meta-analysis", American Journal of Clinical Nutrition, Vol. 69, pp. 30-42, 1999	X		
		Yamamoto et al., "In Vitro Digestibility and Fermentability of Levan and its Hypocholesterolemic Effects in Rats", J. Nutr. Biochem, Vol. 10, pp. 13-18, January, 1999	X		
		Yamamoto et al., "Hypocholesterolemic Effects of Levan in Rats", Advance in Therapy, Vol. 18, No. 5, pp. 230-236	X		
		Zunft et al., "Carob Pulp Preparation for Treatment of Hypercholesterolemia", Hydrocolloids Part 2, Fundamentals and Application in Food, Biology and Medicine, Elsevier, pp. 399-404, 2000	X		
		Péres-Olleros et al., "Comparative Study of Natural Carob fibre and Psyllium Husk in Rats. Influence on Some Aspects of Nutritional Utilisation and Lipidaemia", Journal of Science of Food and Agriculture, Vol. 79, pp. 173-178, 1999	X		
EXAMINER			DATE CONSIDERED		
EXAMINER: Initial citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					